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Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

Report of the Secretary-General

Summary

In its resolution 56/28 of 29 November 2001, the General Assembly requested the Secretary-General, in his capacity as depositary of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and the Protocols thereto, to inform it periodically of the status of the Convention and its Protocols.

The present report provides information on actions taken on the Convention and its Protocols during the period from 1 June 2001 to 31 May 2002 and also contains the text of the amendment to article 1 of the Convention adopted at the Second Review Conference of the States Parties, held at Geneva from 11 to 21 December 2001.

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1. In its resolution 56/28 of 29 November 2001, the General Assembly requested the Secretary-General, in his capacity as depositary of the Convention and the Protocols thereto, to continue to inform it periodically of the status of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (Convention on Certain Conventional Weapons) and its Protocols.[1]

2. Pursuant to that request, the Secretary-General submits herewith information on the status of the Convention and its Protocols as at 31 May 2002:

(a) The following 89 States were parties to the Convention and at least two of its Protocols: Argentina, Australia, Austria, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Holy See, Hungary, India, Ireland, Israel, Italy, Japan, Jordan, Lao People's Democratic Republic, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Nauru, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Senegal, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan and Yugoslavia;

(b) In accordance with article 8, paragraph 1 (b), of the Convention, Amended Protocol II entered into force on 3 December 1998. As of 31 May 2002, 65 States had notified their consent to be bound by it;

(c) In accordance with the provisions of article 5 of the Convention, Protocol IV entered into force on 30 July 1998. As of 31 May 2002, 63 States had notified their consent to be bound by it;

(d) At the Second Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, held at Geneva from 11 to 21 December 2001, the parties to the Convention adopted, in accordance with the procedure laid down in article 8 (1) (b) of the Convention, the amendment to article 1 of the Convention as set out in the Final Declaration of the Second Review Conference (see CCW/CONF.II/2, part II, and annex I to the present report). In accordance with the provisions of articles 8 (1) (b) and 5 (1) of the Convention, the amendment to article 1 shall enter into force six months after the date of deposit of the twentieth instrument of ratification, acceptance, approval or accession. After its entry into force, in accordance with article 5 (2), the amendment shall enter into force for any other State which deposits an instrument of ratification, acceptance, approval or accession six months after the date on which the said State has deposited its instrument.

3. The Secretary-General also submits, in annex II to the present report, information on the action taken in the period under review, that is, from 1 June 2001 to 31 May 2002.

Notes

[1] The Convention, with its Protocols, the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III), was opened for signature on 10 April 1981 and entered into force on 2 December 1983. The Review Conference of the States Parties to the Convention, convened in Vienna from 25 September to 13 October 1995 and in Geneva in resumed sessions from 15 to 19 January and from 22 April to 3 May 1996, adopted the Protocol on Blinding Laser Weapons (Protocol IV) on 13 October 1995 and amended Protocol II on 3 May 1996.

The text of the Convention and its original Protocols are reproduced in *The United Nations Disarmament Yearbook*, vol. 5: 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII, and in the publication *Status of Multilateral Arms Regulation and Disarmament Agreements*, fourth edition: 1992, vol. 1 (United Nations publication, Sales No. E.93.IX.11 (Vol. 1)). The texts of amended Protocol II and Protocol IV are reproduced in the publication *Status of Multilateral Arms Regulation and Disarmament Agreements*, fifth edition: 1996 (United Nations publication, Sales No. E.97.IX.3). The text of the amendment to article 1 is contained in the Final Declaration of the Second Review Conference (CCW/CONF.II/2, part II) and is reproduced in annex I to the present report.

Annex I

Amendment to article 1 of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

The following decision to amend article I of the Convention in order to expand the scope of its application to non-international armed conflicts was made by the States Parties at the Second Review Conference, held from 11 to 21 December 2001. This decision appears in the Final Declaration of the Second Review Conference (CCW/CONF.II/2, part II).

[*The High Contracting Parties to the Convention ...*]

- DECIDE to amend Article I of the Convention to read as follows:

"1. This Convention and its annexed Protocols shall apply in the situations referred to in Article 2 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, including any situation described in paragraph 4 of Article I of Additional Protocol I to these Conventions.

2. This Convention and its annexed Protocols shall also apply, in addition to situations referred to in paragraph 1 of this Article, to situations referred to in Article 3 common to the Geneva Conventions of 12 August 1949. This Convention and its annexed Protocols shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature, as not being armed conflicts.

3. In case of armed conflicts not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply the prohibitions and restrictions of this Convention and its annexed Protocols.

4. Nothing in this Convention or its annexed Protocols shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the Government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.

5. Nothing in this Convention or its annexed Protocols shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.

6. The application of the provisions of this Convention and its annexed Protocols to parties to a conflict which are not High Contracting Parties that have accepted this Convention or its annexed Protocols, shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.

7. The provisions of Paragraphs 2-6 of this Article shall not prejudice additional Protocols adopted after 1 January 2002, which may apply, exclude or modify the scope of their application in relation to this Article."

Annex II

Action taken during the period from 1 June 2001 to 31 May 2002

A. Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

State	Ratification, acceptance (a), approval (aa), accession (a) or succession (s)	Consent to be bound pursuant to article 4, paragraphs 3 and 4		
		Protocols		
		I	II	III
Bolivia	21 September 2001 (a)	x	x	x
Mali	24 October 2001 (a)	x	x	x
Nauru	12 November 2001 (a)	x	x	x
Morocco	19 March 2002	x	x	x

B. Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices, as amended on 3 May 1996 (Amended Protocol II)

State	Consent to be bound
Republic of Moldova	16 July 2001
Bolivia	21 September 2001
Mali	24 October 2001
Guatemala	29 October 2001
Nauru	12 November 2001
Morocco	19 March 2002
Croatia	25 April 2002

C. Protocol on Blinding Laser Weapons (Protocol IV)

State	Consent to be bound
Bolivia	21 September 2001
Bosnia and Herzegovina	11 October 2001
Mali	24 October 2001
Nauru	12 November 2001
Portugal	12 November 2001
Morocco	19 March 2002
Croatia	25 April 2002